

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00298  
consolidated with No. 6:22-cv-00329

**David Eugene Fields,**  
*Plaintiff,*

v.  
**FNU Dr. White,**  
*Defendant.*

**O R D E R**

Plaintiff David Eugene Fields, a prisoner of the Texas Department of Criminal Justice proceeding pro se, inadvertently filed two civil rights lawsuits under 42 U.S.C. § 1983, which asserted the same claim and were consolidated under the original matter number. Doc. 5. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

On January 8, 2024, the magistrate judge issued a report recommending that defendant's motion for summary judgment be granted and that this case be dismissed without prejudice due to plaintiff's failure to exhaust administrative remedies. Doc. 20. Plaintiff did not file timely objections. The copy of the report that was mailed to his last known address was returned to the court as undeliverable, marked "no longer in custody." Doc. 21.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The court grants defendant's motion (Doc. 15) and dismisses this case without prejudice.

*So ordered by the court on February 14, 2024.*

  
\_\_\_\_\_  
J. CAMPBELL BARKER  
United States District Judge